In the Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-680

DAVID KENT CAMPBELL, ET AL., PETITIONERS

v.

MICHAEL J. BEAUGHLER, CAPTAIN, UNITED STATES MARINE CORPS RESERVE, ETC., ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE RESPONDENTS IN OPPOSITION

The petition for a writ of certiorari was not timely filed. The judgment of the court of appeals in this civil suit was entered on June 23, 1975. The time for filing a petition for a writ of certiorari was extended to and including November 6, 1975, by order of Mr. Justice Douglas dated September 19, 1975 (Pet. 2-3). The time for filing a petition was not further extended, and the petition was not filed until November 7, 1975.

The time limit specified by 28 U.S.C. 2101(c) is jurisdictional. *Toledo Scale Co.* v. *Computing Scale Co.*, 261 U.S. 399, 418. Accordingly, the petition for a writ of certiorari should be denied.

Respectfully submitted.

ROBERT H. BORK,
Solicitor General.

DECEMBER 1975.